



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

ELP

Docket No. 3131-00

19 October 2000

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C.1552

Encl: (1) DD Form 149 w/attachments

(2) Case Summary

(3) Subject's Naval Record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy, applied to this Board requesting, in effect, that his reenlistment code be changed

2. The Board, consisting of Messrs. Bartlett, Pfieffer, and Lightle reviewed Petitioner's allegations of error and injustice on 18 October 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that Petitioner's application to the Board was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. The records provided for the Board's review were incomplete. However, the Board found Petitioner enlisted in the Navy on 10 September 1990 for four years at age 18. His record

reflects that he was advanced to EMFN (E-3) on 16 May 1993 and had no disciplinary actions during his enlistment.

d. Incident to his release from active duty, he was recommended for both advancement and retention. His enlisted performance evaluation for the period 1 February 1993 to 3 January 1994 assigned him an overall performance rating of 3.8, noted that he had passed the EM3 (E-4) examination and was scheduled to be advanced on 16 January 1994. On 3 January 1994, Petitioner was honorably released from active duty, transferred to the Naval Reserve, and assigned an RE-4 reenlistment code.

e. Regulations provide that individuals in pay grade E-3 meet the professional growth criteria for first reenlistment if they have passed an examination for advancement to pay grade E-4 and are currently recommended for advancement. Such individuals are assigned an RE-1 reenlistment code.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board particularly notes Petitioner had no disciplinary actions during his enlistment, met the professional growth criteria for first reenlistment, and was recommended for retention. Absent evidence to the contrary, the Board finds no demonstrable reason why he was assigned the restrictive RE-4 reenlistment code. Accordingly, the Board concludes that it would be appropriate and just to change the reenlistment code to RE-1.

RECOMMENDATION:

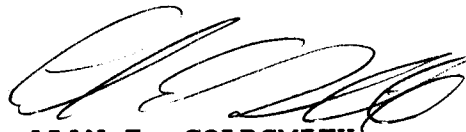
a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, assigned on 3 January 1994, to RE-1.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross references being made a part of Petitioner's naval record.


4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6 (e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6 (e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



For W. DEAN PFEIFFER
Executive Director